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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,123

06/20/2005

Anthony X. Earle

84322

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1333 7590 05/16/2007
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EXAMINER

FENWICK, WARREN K

ART UNIT

PAPER NUMBER

2809

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,123

Applicant(s)

EARLE ET AL.

Examiner

Warren K. Fenwick

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2809

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-20-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9,12-21 is/are rejected.
- 7) ☒ Claim(s) 4,6,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-20-05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12-15-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 04/19/2005 and 12/15/2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the examiner.

Foreign Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

Drawing Objections

3. It appears that Figures 5-8 comprise grey-scale representation of a color photograph or drawing. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

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Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 10-11, 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claims 10-11** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 10-11 have not been further treated on the merits.

7. Regarding **claim 20**, the phrase "...to suit any particular material", clarification is required to specify the material(s).

Claim Rejections - 35 USC § 102

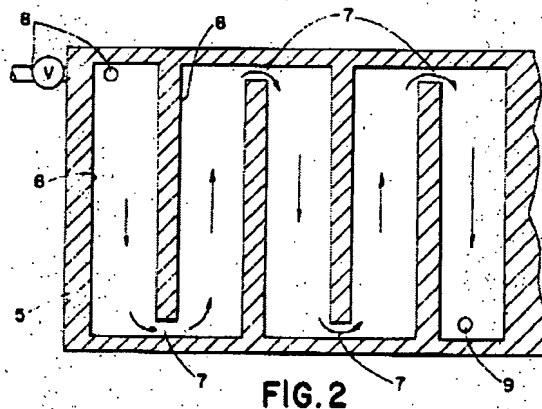
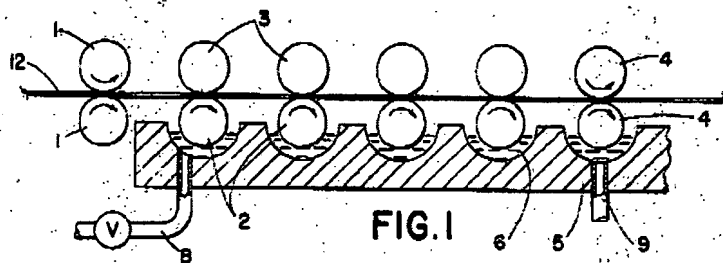
8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

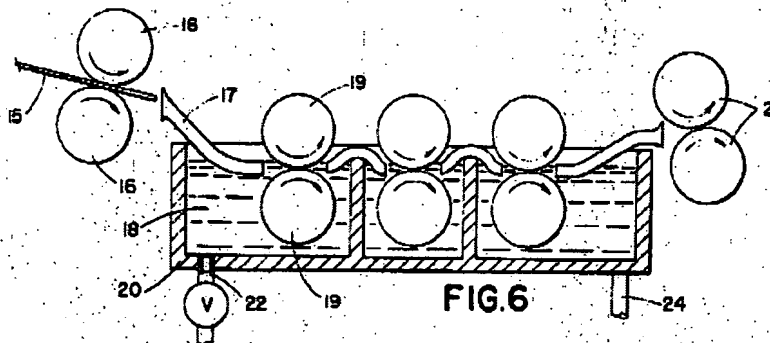
9. **Claims 1-2, 5, 7-9, and 12-13, 16-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U. S. Patent # 3,575,101).

10. Regarding **claim 1**, Smith et al. disclose a photographic processing apparatus (Figure 1) for processing photographic material (Figure 1, element 12) comprising a base member (Figure 1, element 5) for locating the material to be processed, the base member being provided with a channel (Figures 1-2, element 6) at either side thereof for holding the processing solution, and spreading means (Figure 1, element 2 and Figure 2, element 7) for transferring the solution from one side channel to the other, thereby spreading the solution across the material.



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11. Regarding **claim 2**, Smith et al. disclose a photographic processing apparatus, wherein the side channels (Figure 1, element 6) are shallow (column 2, lines 49-51).
12. Regarding **claim 3**, Smith et al. disclose a photographic processing apparatus, wherein the depth of the channels (Figure 1, element 6) is between 1 mm and 50 mm.
13. Regarding **claim 5**, Smith et al. disclose a photographic processing apparatus, wherein the channels are curved (Figure 1, element 6).
14. Regarding **claims 7-9**, Smith et al. disclose a photographic processing apparatus, wherein a roller (Figure 1, elements 2-4), pad, or air spreads the solution across the material.
15. Regarding **claim 12**, Smith et al. disclose a method of processing photographic material (Figure 6, element 15) comprising the steps of locating the material on the base member (Figure 1, element 5), supplying solution to at least one of the side channels (Figure 1, element 6) and transferring the solution from one channel to the other across the material, thereby causing the solution to be spread (Figure 1, elements 2-4) and agitated uniformly over the material.



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16. Regarding **claim 13**, Smith et al. discloses a method of processing photographic material (Figure 6, element 15), wherein the processing solution (Figure 6, element 18) is metered into the channels (Figure 6, valve "V").

17. Regarding **claims 16-18**, Smith et al. discloses a method of processing photographic material, wherein the solution is spread across the material by means of a roller (Figure 1, elements 2-4), pad, or air knife.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1) Determining the scope and contents of the prior art.
- 2) Ascertaining the differences between the prior art and the claims at issue.
- 3) Resolving the level of ordinary skill in the pertinent art.
- 4) Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. **Claims 14-15, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U. S. Patent # 3,575,101) as applied to claims 1 and 12 above in view

of Szajewski et al. (U. S. Patent # 6,402,398 B1). However, Smith et al. does not disclose the limitations presented in claims 14-15, and 19-21.

21. However, the cited secondary reference Szajewski et al. teach:

- a) Regarding **claim 14**, a method, wherein a two part solution has a first part supplied to one channel and a second part supplied to the other channel, the solution being mixed by action of the spreading means as it passes over the material (column 5, lines 36-42).
- b) Regarding **claim 15**, a method of processing photographic material, wherein the solution and the material are heated by heating the base member, the base member being pre-heated (column 5, lines 56-65).
- c) Regarding **claim 19**, a method of processing photographic material, wherein every stage of the entire process cycle is performed with the material located in the base member by sequentially adding and removing processing solutions for a given stage followed by the adding and removing the processing solutions for the next stage and so on to complete the entire process cycle (column 7, lines 21-29).
- d) Regarding **claim 20**, a method of processing photographic material, wherein the process is customized to suit any particular material (column 6, lines 29-32)
- e) Regarding **claim 21**, a photographic processing system c) comprising a first processor arranged to receive photographic material and perform a first processing stage on the material and at least one additional processor

arranged to receive photographic material from the first processor, the at least one additional processor being arranged to perform one or more subsequent processing stages on the material (column 5, lines 36-48).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a photographic processor apparatus as disclosed by Smith et al. to also have enhanced photographic processing capabilities as taught by Szajewski et al. to process exposed film to produce photographs having optimum brightness, color, and contrast.

Allowable subject Matter

24. **Claims 4 and 6** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. Regarding **claim 4**, the prior art of record neither shows nor suggests a photographic processor apparatus, wherein the side channels are provided with one or more rib members on the wall remote from the base member.

26. Regarding **claim 6**, the prior art of record neither shows nor suggests a photographic processor apparatus, wherein the curve on the side remote to the base member has a steeper slope than that on the side closest to the base member.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references, made of record and not relied upon, are presented in the following paragraphs.

28. Earle et al. (U. S. Patent # 6,152,617) disclose "Processing Photographic Material".

29. Needlenan (U. S. Patent # 3,590,718) discloses a "Photographic Film and Paper Processing Apparatus".

30. Howe et al. (U. S. Patent # 3,872,827) disclose a "Roller Applicator".

31. Calder et al. (U. S. Patent # 3,415,176) disclose a "Photographic Processing Apparatus".

32. Stella (U. S. Patent # 4,623,236) discloses a "Photographic Processing Composition Applicator".

33. Mitterbummer et al. (U. S. Patent # 4,057,459) disclose a "Method for Manufacturing Micro-Wiring Arrangements for Contacting Semiconductor Circuits".

34. Verhoest et al. (U. S. Patent # 5,481,328) disclose an "Apparatus for Processing Photographic Sheet Material".

35. Hirai et al. (U. S. Patent # 4,801,961) an "Image Forming Apparatus"

36. Beck (U. S. Patent # 3,774,521) discloses a "Photographic Developing Apparatus".

37. Smola et al. (U. S. Patent # 3,735,689) disclose a "Roller Tray Photographic Processing Apparatus".

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38. Erlichman (U. S. Patent # 3,653,308) discloses a "Photographic Apparatus".

39. Earle et al. (U. S. Patent # 5,752,121) disclose a "Photographic Processing Apparatus".

40. Cronin (U. S. Patent # 4,493,546) discloses a "Processing Apparatus and Method for Treating a Film Unit With a Liquid".

41. Popoff (U. S. Patent # 4,359,279) discloses a "Photographic Processing Apparatus With Liquid Application to Both Sides of the Photographic Material".

42. Cronin (U. S. Patent # 4,541,701) discloses a "Photographic Processing Apparatus".

43. Manico et al. (U. S. Patent # 5,420,659) disclose a "Modular Processing Channel for an Automatic Tray Processor".

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warren K. Fenwick whose telephone number is 571-270-3040. The examiner can normally be reached on Mon - Fri 9A to 5:30P, Eastern Time.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

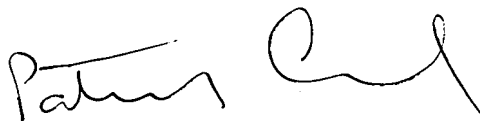
46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WKF

A handwritten signature in black ink, appearing to read "Patrick Assouad". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

**PATRICK ASSOUD
SUPERVISORY PATENT EXAMINER**